

EXPRESSING THE SENSE OF THE CONGRESS THAT, AS CONGRESS OBSERVES THE 40TH ANNIVERSARY OF THE VOTING RIGHTS ACT OF 1965 AND ENCOURAGES ALL AMERICANS TO DO THE SAME, IT WILL ADVANCE THE LEGACY OF THE VOTING RIGHTS ACT OF 1965 BY ENSURING THE CONTINUED EFFECTIVENESS OF THE ACT TO PROTECT THE VOTING RIGHTS OF ALL AMERICANS

JULY 27, 2005.—Referred to the House Calendar and ordered to be printed

Mr. SENSENBRENNER, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H. Con. Res. 216]

The Committee on the Judiciary, to whom was referred the concurrent resolution (H. Con. Res. 216) expressing the sense of the Congress that, as Congress observes the 40th anniversary of the Voting Rights Act of 1965 and encourages all Americans to do the same, it will advance the legacy of the Voting Rights Act of 1965 by ensuring the continued effectiveness of the Act to protect the voting rights of all Americans, having considered the same report favorably thereon without amendment and recommend that the concurrent resolution be agreed to.

PURPOSE AND SUMMARY

The purpose of H. Con. Res. 216 is to express the sense of Congress that, as Congress observes the 40th Anniversary of the Voting Rights Act of 1965 and encourages all Americans to do the same, it will advance the legacy of the Voting Rights Act of 1965 by ensuring the continued effectiveness of the Act to protect the voting rights of all Americans.

BACKGROUND AND NEED FOR THE LEGISLATION

On August 6, 1965, President Lyndon B. Johnson signed into law one of the most significant pieces of civil rights legislation in our Nation's history—the Voting Rights Act (VRA).¹ The VRA was enacted in response to widespread discrimination experienced by African American voters and has since become one of the most com-

¹ See President Lyndon Johnson, Address to Congress (March 15, 1965).

prehensive and successful pieces of legislation to pass Congress, retaining the support of both Republicans and Democrats alike.

Over the last 40 years, the VRA has come to represent the sacrifice and struggles of the civil rights movement. It has been instrumental in restoring the meaning of equality under the laws and ensuring that the rights provided by the Constitution, including the right to vote, are afforded to all Americans.

Prior to the passage of the VRA, African-Americans and other minorities experienced barriers in their every attempt to exercise their right to vote. Discrimination occurred through both insidious and disingenuous means such as literacy tests, complex ballots, and out of the way polling places. The impact of these disenfranchisement efforts were devastating, severely limiting the ability of African-Americans to participate in the political process.² The Civil Rights Acts of 1957 and 1960 were largely considered inadequate to addressing the barriers to voting, thus fostering the need for more comprehensive reform.³

Since its enactment the VRA has guaranteed the rights afforded by the 15th Amendment to all Americans and has hampered the ability of jurisdictions to continue past discriminatory practices to continue past practices. The VRA has been amended on four separate occasions in 1970, 1975, 1982, and 1992 each time addressing new faces of discrimination. Certain provisions of the VRA of 1965 are set to expire in 2007.

The VRA has been instrumental in increasing voter registration among all minorities and relatedly has increased the number of minorities elected to public office. It is widely considered to be one of the most effective pieces of legislation in our country's history. It has helped millions of Americans realize the equality that our founders envisioned and our Constitution enshrined. This concurrent resolution recognizes this historic achievement.

HEARINGS

The Committee on the Judiciary held no hearings on H. Con. Res. 216.

COMMITTEE CONSIDERATION

On July 27, 2005, the Committee met in open session and ordered favorably reported the resolution H. Con. Res. 216 without an amendment by a by a voice vote, a quorum being present.

VOTE OF THE COMMITTEE

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee notes that there were no recorded votes during the committee consideration of H. Con. Res. 216.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activi-

² CRS Report for Congress, The Voting Rights Act of 1965, as Amended: Its History and Current Issues, November 4, 2004 at 4.

³ Id. at 6.

ties under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

COMMITTEE COST ESTIMATE

In compliance with clause 3(d)(2) of rule XIII of the Rules of the House of Representatives, the Committee believes H. Con. Res. 216 will have no cost for the current fiscal year 2005, and that there will be no cost incurred in carrying out H. Con. Res. 216 for the next five fiscal years.

PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the purpose of H. Con. Res. 216 is to express the sense of Congress that, as Congress observes the 40th anniversary of the Voting Rights Act of 1965 and encourages all Americans to do the same, it will advance the legacy of the Voting Rights Act of 1965 by ensuring the continued effectiveness of the Act to protect the voting rights of all Americans.

CONSTITUTIONAL AUTHORITY STATEMENT

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, does not apply as this is a concurrent resolution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

The following discussion describes the bill as reported by the Committee.

The first preambular clause provides that Americans, both known and unknown, risked their lives to stand up against racial discrimination and to seek political equality.

The second preambular clause provides that Americans sacrificed a great deal including their lives to ensure that guarantees provided by the 14th and 15th Amendments were applicable to all citizens.

The third preambular clause provides that on Sunday, March 7, 1965, known as "bloody Sunday," there was a clarion call to the Nation to fulfill its promise.

The fourth preambular clause provides after Bloody Sunday, President Lyndon B. Johnson called for a comprehensive and effective voting rights bill as a necessary response by Congress and the President to the interference and violence, in violation of the 14th and 15th amendments, encountered by African American citizens when attempting to protect and exercise the right to vote.

The fifth preambular clause provides that on August 6, 1965, President Lyndon B. Johnson signed this landmark legislation into law.

The sixth preambular clause provides that the Voting Rights Act of 1965 stands as a tribute to the heroism of countless Americans,

serves as one of the most important civil rights victories, and has empowered all Americans to participate in the political process.

The seventh preambular clause provides that the Voting Rights Act of 1965 reinforces the guarantees of the 15th Amendment.

The eighth preambular clause provides that the Voting Rights Act of 1965 was amended in 1975 to include language minority citizens and again in 1982 to protect voters with disabilities.

The ninth preambular clause provides that the Voting Rights Act of 1965 has helped advance democracy in America by encouraging all citizens to participate in the political process and by providing them with the opportunity to elect representatives on the Federal, State, and local level.

The tenth preambular clause provides that the Voting Rights Act of 1965 has been instrumental in increasing voter registration among racial, ethnic, and language minorities and has enhanced the ability of those to participate in the political process, which is reflected in the 81 African American, Latino, Asian, and Native American Members of Congress and thousands of minority State and local officials.

The eleventh preambular clause provides that obstacles still remain, hence the continued importance of the Voting Rights Act of 1965.

The twelfth preambular clause provides that the Voting Rights Act of 1965 provides extensive voter protections including those found in Section 2, Section 201, Section 5, Sections 6–9, and Section 203.

The thirteenth preambular clause provides that certain provisions of the Voting Rights Act of 1965 will expire in 2007, unless reauthorized by Congress.

The fourteenth preambular clause provides that our democracy at home and efforts to promote democracy abroad are contingent on the complete effectiveness of the Voting Rights Act of 1965.

The fifteenth preambular clause provides that 2005 marks the 40th anniversary of the Voting Rights Act of 1965 and its substantial achievement in protecting the right to vote, but continued efforts must be made to protect the rights of all Americans.

The sixteenth preambular clause provides that the Voting Rights Act of 1965 has been hailed as the most successful civil rights achievement.

The resolved clause provides that it is the sense of Congress that it:

(1) observe and celebrate the 40th Anniversary of the enactment of the Voting Rights Act of 1965;

(2) pledge to advance the legacy of the Voting Rights Act of 1965 to ensure its continued effectiveness in protecting the voting rights of all Americans;

(3) encourage all Americans to celebrate the 40th Anniversary of the Voting Rights Act of 1965.

CHANGES IN EXISTING LAW BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, the Committee notes H. Con. Res. 216 makes no changes to existing law.

